

## **REMARKS**

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claims 1 and 3-14 remain in the application. Claims 1 and 3-6 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,084,963 to Hirai et al. (hereinafter Hirai). For the following reasons, the Examiner's rejections are traversed.

The present invention is directed to a phone holder assembly including an outer member and an inner member, each of which are adapted to receive phones of a different size. The bottom wall and front wall define a slotted opening to permit a power cord to extend upwardly to a mobile telephone received within the outer member or inner member and to permit a front face or display of the mobile telephone to be visible when the mobile telephone is received in the holding assembly. The phone holder assembly is attachable to a panel on the center console of a vehicle. The phone received within the holder assembly is stored in a generally vertical position and does not significantly infringe upon the storage space of the center console. The phone is accessible by the user by simply folding the front panel assembly downwardly.

Hirai is directed to a phone holder system that includes a single outer casing and a set of inner casings. The outer dimensions of the inner casings match the inner dimensions of the outer casing to provide a secure fit therebetween. Each

inner casing has a different inner dimension to match the shape of one of a number of different cell phone types. Thus, when a different size of cell phone needs to be stored, the inner casing is simply swapped with a different inner casing from the set.

Regarding claim 1, the cited reference does not disclose all of the features of the claimed invention. First, the cited reference does not disclose an outer member adapted to receive a phone having a first size, as required. Rather the outer member of Hirai is only designed to receive an inner member, the inner member being the feature of the phone holder system that receives the phone. Second, the cited reference does not disclose, in a single embodiment, both an outer member having an open top and an elongated opening in a front wall and an inner member also having an open top and an elongated opening in a front wall as required. Rather, Hirai shows, in a second embodiment of the phone holder (Fig. 6), an outer member with an open top and an elongated opening in a front wall in combination with an inner member with an open top, but a sealed front wall. In a third, different, embodiment of the phone holder (Fig. 7) Hirai shows an outer member with an open front and a closed top in combination with an inner member having an open front and an open bottom. Neither embodiment alone shows all of the features of claim 1. Reconsideration of the rejection of claim 1 is respectfully requested.

Regarding claim 3, Hirai does not disclose outer and inner members each including a bottom wall that has an opening through which a phone power cord extends. Rather, Hirai teaches a phone holder that operates with phones that do not utilize cords, but only electrical connectors that connect to a holder connector 40 of the disclosed phone holder. Reconsideration and withdrawal of the rejection of claim 3 is respectfully requested.

Claims 4-6 depend indirectly or directly from claim 3, which depends from claim 1, and so are allowable for reasons discussed above.

Claims 7-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hirai in view of U.S. Patent 5,556,017 to Troy (hereinafter Troy). For the following reasons, the Examiner's rejection is traversed.

Troy discloses a hinged phone bracket for a vehicle. A phone is attached to the bracket and can be moved in or out of a storage bin depending on which direction the bracket is swung. When fully open, the phone bracket has an obtuse angle with respect to the bottom of the bin and when fully closed, the phone bracket is angled at about 45 degrees from the bottom of the bin.

Regarding the rejection of claims 7-14, there is no motivation in the cited art to combine the cited references as proposed by the Examiner. The present invention provides the only motivation for such a combination. Hirai states that the cited phone holder may be secured to a lid of a console box (Col. 10 Lines 59-60), however, the orientation of the phone holder is not disclosed. The Examiner states that it would be obvious in view of this statement to look to Troy for teachings regarding phone holder orientation. However, within Troy, the component housing the phone is not attached to the console lid. Rather, Troy teaches securing the phone to a bracket that fits within the console and can be hidden by closing the console lid. The console lid of Troy has nothing attached to it. Thus, one skilled in the art looking to modify the spatial configuration of a phone holder attached to a console lid would not look to the teachings of a patent where a phone holder is not attached to a console lid.

Further, regarding claim 7, even if the references were combined in the

manner suggested by the Examiner, the combination does not disclose all of the features of the claimed invention. The combination does not teach a phone holder including an outer member and inner member wherein both members are adapted to receive a phone. As previously stated, Hirai does not teach an outer member receiving a phone, as required. Troy does not teach both outer and inner members, and as a result does not cure the deficiencies of Hirai.

Regarding claim 8, the proposed combination does not teach a series of mounting tabs that are releasably secured within an opening in a panel assembly, as required. Rather, the combination teaches sliding engagement between a plate to which the phone is screwed and a support bracket.

Regarding claim 10, the proposed combination does not teach outer and inner members that each include a bottom wall that has an opening through which a power cord of a phone extends, as required. Rather the combination only teaches the use of corded phones wherein the cord is completely exposed, thus, not requiring passage through a member of the phone holder.

Regarding claim 14, even if the references were combined in the manner proposed by the Examiner, the claimed invention would not result. The combination does not disclose a panel that is "disposed generally vertically when said panel assembly is in a closed position" as required, but rather at an angle of about 45 degrees with respect to the bottom of a bin.

Claims 9, 11-13 depend indirectly or directly from claim 7, and so are allowable for reasons discussed above.

Reconsideration and withdrawal of the rejection of claims 7-14 is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. HRA-12807.

Respectfully submitted,

RANKIN, HILL, PORTER & CLARK LLP

By   
James A. Balazs, Reg. No. 47401

4080 Erie Street  
Willoughby, Ohio 44094-7836  
(216) 566-9700